

Recommendation 4: Repeal “Native Montana Nonresident License” (MCA 87-2-514) and amend “Home to Hunt license” (MCA 87-2-526), as indicated below:

MCA 87-2-526. License for nonresident to hunt with resident sponsor or family member -- use of license revenue.

(1) In addition to the nonresident licenses provided for in [87-2-505](#) and [87-2-510](#), the department may offer for sale 500 B-10 nonresident big game combination licenses and 500 B-11 nonresident deer combination licenses. The licenses may be used only as provided in this section and as authorized by department rules. Sale of licenses pursuant to this section may not affect the license quotas established in [87-2-505](#) and [87-2-510](#). The price of licenses sold under this subsection must be ~~the same~~ 1/2 the price of ~~as~~ nonresident big game combination licenses and nonresident deer combination licenses offered by general drawing pursuant to [87-2-505](#) and [87-2-510](#).

(2) A license authorized in subsection (1) may be used only by an adult nonresident family member of a resident who sponsors the license application and who meets the qualifications of subsection (3). The nonresident family member must have completed a Montana hunter safety and education course prior to March 1, 2015 or have previously purchased a resident hunting license, or been born in Montana or been born to parents who were residents at time of birth. A nonresident family member who receives a license pursuant to subsection (1) must be accompanied in the field by a sponsor or family member who meets the qualifications of subsection (3).

(3) To qualify as a sponsor or family member who will accompany a nonresident licensed under subsection (1), a person must be a resident, as defined in [87-2-102](#), who is 18 years old or older and possesses a current resident hunting license and who is the nonresident's ~~within the second degree of kinship by blood or marriage. The second degree of kinship includes a natural or adoptive~~ mother, father, brother, sister, son, daughter, spouse, grandparent, or grandchild, ~~brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, mother-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, and stepdaughter.~~ The sponsor shall list on the license application the names of family members who are eligible to hunt with the nonresident hunter.

(4) If the department receives more applications for licenses than the number that are available under subsection (1), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful in the drawing must be entered in the general drawing for a nonresident license provided under [87-2-505](#) or [87-2-510](#), as applicable.

(5) All money received from the sale of licenses under subsection (1) must be deposited in a separate account and must be used by the department to acquire public hunting access to inaccessible public land, which may include obtaining hunting access through private land to inaccessible public land.

Rationale

With the changes recommended by the Licensing and Funding Advisory Council for these two similar, yet different, types of licenses, it makes sense to combine attributes of both licenses into a single license that will maintain the PL/PW Council's original intent in creating a Home to Hunt license whereby nonresident family members can come to Montana to hunt with resident family members, with the revenue generated being used to improve public hunting access to public lands.

Background

There are currently two types of similar nonresident (NR) deer and elk licenses that have been rendered unappealing and/or nonfunctional due to changes that have occurred since their adoption.

MCA 87-2-526 provides authority for FWP to issue a B10 NR deer/elk combination license or B11 NR deer combination license to a nonresident hunter sponsored by a resident family member. The hunter is required to be accompanied in the field by a resident family member who meets the eligibility requirements for sponsoring a nonresident hunter under this statute. There is a limit of 500 B10 and 500 B11 licenses of this type, and all license revenue is earmarked for FWP to use to secure public access to public land.

MCA 87-2-514 provides authority for FWP to issue a nonresident fishing license, upland game bird license, deer A tag, and elk license to a "nonresident relative of a resident," defined as "a person born in Montana who is the natural or adoptive child, sibling, or parent of a resident, but is not a resident." The fee for each of these licenses is four times the amount charged for an equivalent resident license. There is no limit on these licenses. Most of the revenue from these licenses goes into the FWP general license account.

In 2014, the Fish & Wildlife Licensing and Funding Advisory Council developed recommendations to change deer and elk licenses under MCA 87-2-514 into B11 deer combination and B10 deer/elk combination license types, and change the fees for B11 deer combination and B10 deer/elk combination licenses under both MCA 87-2-526 and 87-2 514 to ½ the fee charged for nonresident general B11 deer and B10 deer/elk combination licenses. All B11 and B10 combination licenses include fishing and upland bird license privileges.

The Licensing and Funding Advisory Council also asked the Private Land/Public Wildlife Council to consider developing a recommendation as to how the two licenses types created in MCA 87-2-514 and MCA 87-2-526 might be combined into a single license statute, since the original Home to Hunt License was a product of previous PL/PW Council recommendations.

NOTE: Several people who commented on Draft Recommendation #4 cited questions or concerns that nonresident hunters purchasing the "Come Home to Hunt" license (MCA 87-2-526) are required to "be accompanied in the field by a sponsor or family member..." under the current statute. Members of the Council wanted to responsive to those comments, and requested that FWP provide an explanation, with examples, of how the requirement to "be accompanied in the field" is interpreted, so that some of those questions and concerns could be addressed.

EXPLANATION: The Department's understanding of the intent behind creating this license was that it would offer a special opportunity to eligible nonresident hunters to return to Montana to once again hunt with their family members. Subsequently, the requirement for "a nonresident family member who receives a license...must be accompanied in the field by a sponsor or family member who meets the qualifications under (3)" was written into this law. The Department's interpretation of the meaning of "must be accompanied in the field," in a general sense, is that the sponsor or eligible family member must be a participant in the hunting experience that takes place in the field.

Examples of situations that might meet that requirement include:

- a) an eligible family member hunting with the licensee as a fellow hunter;
- b) an eligible family member staying in camp with the hunter (camp could be temporary camp or permanent residence on site at the hunting location);
- c) an eligible family member assisting the licensee with transportation by vehicle at the hunting site;

Examples of situations that probably would not meet that requirement include:

- a) an eligible family member remaining in town while the licensee hunts afield;
- b) an eligible family member never being present in the location where the licensee hunts;
- c) an eligible family member who hunts in a geographic location so completely removed from the location where the licensee is hunting that there is clearly no sense of accompaniment between the two hunts being conducted;

As is the case with enforcement of any law, the details of each specific situation will determine whether or not the law enforcement official feels the law has been violated, and if so, what the appropriate action is to address the infraction. This law has been in effect since the 2010 hunting season, and no substantive law enforcement issues have arisen.